



Docket No.: 1594.1355

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Cheol Jin KIM

Serial No. 10/801,855

Group Art Unit: 3753

Confirmation No. 1971

Filed: March 17, 2004

Examiner: Theresa J. Walberg

For: VACUUM COOKING APPARATUS AND COOKING METHOD USING THE SAME

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed November 1, 2005.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. But the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner states "[t]he claims are allowed in view of applicant's argument that the previously applied references do not perform the claimed function of 'determining whether cooked food is present in the cooking cavity'."

But independent claims 18 and 26 do not recite the feature stated by the Examiner. Independent claims 18 and 26 each recite: "...a sensor to determine whether there is food in the cooking cavity..."

The foregoing is merely meant to be exemplary, and does not necessarily point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 29 Dec 2005

By: Michael A. Bush
Michael A. Bush
Registration No. 48,893

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501